

In the United States Court of Federal Claims

No. 23-904

Filed: July 21, 2023

_____)
LONNIE MOORE,)

Plaintiff,)

v.)

THE UNITED STATES,)

Defendant.)

ORDER

On June 12, 2023, plaintiff, Lonnie “Surf” Moore, proceeding *pro se*, filed a complaint with this Court. *See generally* Complaint, ECF No. 1. Plaintiff alleges, *inter alia*, that the United States Department of Justice, the National Security Agency, and the Internal Revenue Service violated the Thirteenth Amendment’s prohibition on involuntary servitude and Title 3 of the Omnibus Crime Control and Safe Streets Act of 1968 (“the Wiretap Act”) in a “scheme [of] fraud” and “covert surveillance to injure any successful actions that Surf Moore [had] achieve[d],” including an offer to play in the 1979 Rose Bowl. *See id.* at 4. Plaintiff also alleges instances of tax fraud, racketeering, and unconstitutional searches and invasions of privacy. *See id.* at 5–6. On July 19, 2023, defendant filed a Motion to Dismiss under Rules 12(b)(1) and 12(b)(6) of the Rules of the United States Court of Federal Claims (“RCFC”) and under 28 U.S.C. § 1915(e)(2)(B).

This Court’s jurisdictional grant is primarily set forth by the Tucker Act, which grants this Court subject-matter jurisdiction over claims brought against the United States that are grounded in a money-mandating source of law and do not sound in tort. 28 U.S.C. § 1491(a)(1). RCFC 12(h)(3) states that “[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” R. Ct. Fed. Cl. 12(h)(3). Plaintiff has the burden of demonstrating that this Court has jurisdiction over his claims. *See Reynolds v. Army & Air Force Exchange Serv.*, 846 F.2d 746, 748 (Fed. Cir. 1988). Pro se plaintiffs are given “leeway on procedural matters, such as pleading requirements,” *McZeal v. Sprint Nextel Corp.*, 501 F.3d 1354, 1356 (Fed. Cir. 2007), but this leniency does not lessen the plaintiff’s jurisdictional burden. *See Ibrahim v. United States*, 799 Fed. Appx. 865, 867 (Fed. Cir. 2020) (citing *Kelley v. Sec’y, United States Dep’t of Labor*, 812 F.2d 1378, 1380 (Fed. Cir. 1987)).

The Court finds that plaintiff’s allegations do not give rise to a cause of action for which this Court has subject-matter jurisdiction. The Thirteenth Amendment is not a money-mandating source of law. *See Harris v. United States*, 686 F. App’x 895, 899 (Fed. Cir. 2017) (per curiam) (citing *Smith v. United States*, 36 F. App’x 444, 446 (Fed. Cir. 2002) (per curiam)). Insofar as

plaintiff's claims are based on alleged tax fraud, racketeering, or violations of the Wiretap Act, this Court lacks jurisdiction over criminal matters. *See Joshua v. United States*, 17 F.3d 378, 379 (Fed. Cir. 1994). As such, this Court does not have authority to decide plaintiff's case, and therefore must dismiss the Complaint pursuant to RCFC 12(h)(3).¹

For the reasons set forth above, defendant's Motion to Dismiss is hereby **GRANTED**. Accordingly, plaintiff's Complaint is **DISMISSED** pursuant to RCFC 12(b)(1) and RCFC 12(h)(3). The Clerk of Court is directed to take the necessary steps to dismiss this matter.

IT IS SO ORDERED.

Loren A. Smith

Loren A. Smith,
Senior Judge

¹ Because the Court has determined it lacks subject-matter jurisdiction to evaluate plaintiff's Complaint, the Court need not consider defendant's other arguments for dismissal.